

Calendar No. 845

106TH CONGRESS
2D SESSION**S. 2962****[Report No. 106–426]**

To amend the Clean Air Act to address problems concerning methyl tertiary butyl ether, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 27, 2000

Mr. SMITH of New Hampshire introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

SEPTEMBER 28 (legislative day, SEPTEMBER 22), 2000

Reported by Mr. SMITH of New Hampshire, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend the Clean Air Act to address problems concerning methyl tertiary butyl ether, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Reformulated
5 Fuels Act of 2000”.

1 **SEC. 2. WAIVER OF OXYGEN CONTENT REQUIREMENT FOR**
 2 **REFORMULATED GASOLINE.**

3 Section 211(k)(1) of the Clean Air Act (42 U.S.C.
 4 7545(k)(1)) is amended—

5 (1) by striking “Within 1 year after the enact-
 6 ment of the Clean Air Act Amendments of 1990,”
 7 and inserting the following:

8 “(A) IN GENERAL.—Not later than No-
 9 vember 15, 1991,”; and

10 (2) by adding at the end the following:

11 “(B) WAIVER OF OXYGEN CONTENT RE-
 12 QUIREMENT.—

13 “(i) AUTHORITY OF THE GOV-
 14 ERNOR.—

15 “(I) IN GENERAL.—Notwith-
 16 standing any other provision of this
 17 subsection, a Governor of a State,
 18 upon notification by the Governor to
 19 the Administrator during the 90-day
 20 period beginning on the date of enact-
 21 ment of this subparagraph, may waive
 22 the application of paragraphs (2)(B)
 23 and (3)(A)(v) to gasoline sold or dis-
 24 pensed in the State.

25 “(II) OPT-IN AREAS.—A Gov-
 26 ernor of a State that submits an ap-

plication under paragraph (6) may, as
 part of that application, waive the ap-
 plication of paragraphs (2)(B) and
 (3)(A)(v) to gasoline sold or dispensed
 in the State.

“(ii) TREATMENT AS REFORMULATED
 GASOLINE.—In the case of a State for
 which the Governor invokes the waiver de-
 scribed in clause (i), gasoline that complies
 with all provisions of this subsection other
 than paragraphs (2)(B) and (3)(A)(v) shall
 be considered to be reformulated gasoline
 for the purposes of this subsection.

“(iii) EFFECTIVE DATE OF WAIVER.—
 A waiver under clause (i) shall take effect
 on the earlier of—

“(I) the date on which the per-
 formance standard under subpara-
 graph (C) takes effect; or

“(II) the date that is 270 days
 after the date of enactment of this
 subparagraph.

“(C) MAINTENANCE OF TOXIC AIR POL-
 LUTANT EMISSION REDUCTIONS.—

1 “(i) IN GENERAL.—As soon as prac-
 2 ticable after the date of enactment of this
 3 subparagraph, the Administrator shall—

4 “(I) promulgate regulations con-
 5 sistent with subparagraph (A) and
 6 paragraph (3)(B)(ii) to ensure that
 7 reductions of toxic air pollutant emis-
 8 sions achieved under the reformulated
 9 gasoline program under this section
 10 before the date of enactment of this
 11 subparagraph are maintained in
 12 States for which the Governor waives
 13 the oxygenate requirement under sub-
 14 paragraph (B)(i); or

15 “(II) determine that the require-
 16 ment described in clause (iv)—

17 “(aa) is consistent with the
 18 bases for a performance standard
 19 described in clause (ii); and

20 “(bb) shall be deemed to be
 21 the performance standard under
 22 clause (ii) and shall be applied in
 23 accordance with clause (iii).

24 “(ii) PERFORMANCE STANDARD.—The
 25 Administrator, in regulations promulgated

under clause (i)(I), shall establish an annual average performance standard based on—

“(I) compliance survey data;

“(II) the annual aggregate reductions in emissions of toxic air pollutants achieved under the reformulated gasoline program during calendar years 1998 and 1999, determined on the basis of the volume of reformulated gasoline containing methyl tertiary butyl ether that is sold throughout the United States; and

“(III) such other information as the Administrator determines to be appropriate.

“(iii) APPLICABILITY.—

“(I) IN GENERAL.—The performance standard under clause (ii) shall be applied on an annual average refinery-by-refinery basis to all reformulated gasoline that is sold or introduced into commerce by the refinery in a State for which the Governor

1 waives the oxygenate requirement
2 under subparagraph (B)(i).

3 “(II) MORE STRINGENT RE-
4 QUIREMENTS.—The performance
5 standard under clause (ii) shall not
6 apply to the extent that any require-
7 ment under section 202(l) is more
8 stringent than the performance stand-
9 ard.

10 “(III) STATE STANDARDS.—The
11 performance standard under clause
12 (ii) shall not apply in any State that
13 has received a waiver under section
14 209(b).

15 “(IV) CREDIT PROGRAM.—The
16 Administrator shall provide for the
17 granting of credits for exceeding the
18 performance standard under clause
19 (ii) in the same manner as provided in
20 paragraph (7).

21 “(iv) STATUTORY PERFORMANCE
22 STANDARD.—

23 “(I) IN GENERAL.—Subject to
24 subclause (III), if the regulations
25 under clause (i)(I) have not been pro-

mulgated by the date that is 270 days after the date of enactment of this subparagraph, the requirement described in subclause (II) shall be deemed to be the performance standard under clause (ii) and shall be applied in accordance with clause (iii).

“(II) TOXIC AIR POLLUTANT EMISSIONS.—The aggregate emissions of toxic air pollutants from baseline vehicles when using reformulated gasoline shall be 27.5 percent below the aggregate emissions of toxic air pollutants from baseline vehicles when using baseline gasoline.

“(III) SUBSEQUENT REGULATIONS.—The Administrator may modify the performance standard established under subclause (I) through promulgation of regulations under clause (i)(I).”.

SEC. 3. SALE OF GASOLINE CONTAINING MTBE.

Section 211(e) of the Clean Air Act (42 U.S.C. 7545(e)) is amended—

(1) in paragraph (1)(A)—

1 (A) by inserting “fuel or fuel additive or”
2 after “Administrator any”; and

3 (B) by striking “air pollution which” and
4 inserting “air pollution, or water pollution,
5 that”;

6 (2) in paragraph (4)(B), by inserting “or water
7 quality protection,” after “emission control,”; and

8 (3) by adding at the end the following:

9 “(5) DETERMINATION BY THE ADMINISTRATOR
10 WHETHER TO BAN USE OF MTBE.—

11 “(A) IN GENERAL.—Not later than 4 years
12 after the date of enactment of this paragraph,
13 the Administrator shall ban use of methyl ter-
14 tiary butyl ether in gasoline unless the Adminis-
15 trator determines that the use of methyl ter-
16 tiary butyl ether in accordance with paragraph
17 (6) poses no substantial risk to water quality,
18 air quality, or human health.

19 “(B) REGULATIONS CONCERNING PHASE-
20 OUT.—The Administrator may establish by reg-
21 ulation a schedule to phase out the use of meth-
22 yl tertiary butyl ether in gasoline during the pe-
23 riod preceding the effective date of the ban
24 under subparagraph (A).

1 “(6) LIMITATIONS ON SALE OF GASOLINE CON-
2 TAINING MTBE.—

3 “(A) IN GENERAL.—Subject to subpara-
4 graph (B), if the Administrator makes the de-
5 termination described in paragraph (5), for the
6 fourth full calendar year that begins after the
7 date of enactment of this paragraph and each
8 calendar year thereafter—

9 “(i) the quantity of gasoline sold or
10 introduced into commerce during the cal-
11 endar year by a refiner, blender, or im-
12 porter of gasoline shall contain on average
13 not more than 1 percent by volume methyl
14 tertiary butyl ether; and

15 “(ii) no person shall sell or introduce
16 into commerce any gasoline that contains
17 more than a specified percentage by vol-
18 ume methyl tertiary butyl ether, as deter-
19 mined by the Administrator by regulation.

20 “(B) REGULATIONS CONCERNING TRAD-
21 ING.—

22 “(i) IN GENERAL.—The Administrator
23 may promulgate regulations that provide
24 for the granting of an appropriate amount
25 of credits to a person that refines, blends,

1 or imports, and certifies to the Adminis-
2 trator, gasoline or a slate of gasoline that
3 has a methyl tertiary butyl ether content
4 that is less than the maximum methyl ter-
5 tiary butyl ether content specified in sub-
6 paragraph (A)(i).

7 “(ii) USE OF CREDITS.—The regula-
8 tions promulgated under clause (i) shall
9 provide that a person that is granted cred-
10 its may use the credits, or transfer all or
11 a portion of the credits to another person,
12 for the purpose of complying with the max-
13 imum methyl tertiary butyl ether content
14 requirement specified in subparagraph
15 (A)(i).

16 “(iii) MAXIMUM ANNUAL LIMITA-
17 TION.—The regulations promulgated under
18 clause (i) shall ensure that the total quan-
19 tity of gasoline sold or introduced into
20 commerce during any calendar year by all
21 refiners, blenders, or importers contains on
22 average not more than 1 percent by volume
23 methyl tertiary butyl ether.

24 “(C) TEMPORARY WAIVER OF LIMITA-
25 TIONS.—

1 “(i) IN GENERAL.—If the Adminis-
2 trator, in consultation with the Secretary
3 of Energy, finds, on the Administrator’s
4 own motion or on petition of any person,
5 that there is an insufficient domestic ca-
6 pacity to produce or import gasoline, the
7 Administrator may, in accordance with sec-
8 tion 307, temporarily waive the limitations
9 imposed under subparagraph (A).

10 “(ii) DURATION OF REDUCTION.—

11 “(I) IN GENERAL.—A waiver
12 under clause (i) shall remain in effect
13 for a period of 15 days unless the Ad-
14 ministrator, in consultation with the
15 Secretary of Energy, finds, before the
16 end of that period, that there is suffi-
17 cient domestic capacity to produce or
18 import gasoline.

19 “(II) EXTENSION.—Upon the ex-
20 piration of the 15-day period under
21 subclause (I), the waiver may be ex-
22 tended for an additional 15-day period
23 in accordance with clause (i).

24 “(iii) DEADLINE FOR ACTION ON PE-
25 TITIONS.—The Administrator shall act on

1 any petition submitted under clause (i)
 2 within 7 days after the date of receipt of
 3 the petition.

4 “(iv) INAPPLICABILITY OF CERTAIN
 5 REQUIREMENTS.—Section 307(d) of this
 6 Act and sections 553 through 557 of title
 7 5, United States Code, shall not apply to
 8 any action on a petition submitted under
 9 clause (i).

10 “(v) STATE AUTHORITY.—At the op-
 11 tion of a State, a waiver under clause (i)
 12 shall not apply to any area with respect to
 13 which the State has exercised authority
 14 under any other provision of law (including
 15 subparagraph (D)) to limit the sale or use
 16 of methyl tertiary butyl ether.

17 “(D) STATE PETITIONS TO ELIMINATE USE
 18 OF MTBE.—

19 “(i) IN GENERAL.—A State may sub-
 20 mit to the Administrator a petition re-
 21 questing authority to eliminate the use of
 22 methyl tertiary butyl ether in gasoline sold
 23 or introduced into commerce in the State
 24 in order to protect air quality, water qual-
 25 ity, or human health.

1 “(ii) DEADLINE FOR ACTION ON PETI-
 2 TIONS.—The Administrator shall grant or
 3 deny any petition submitted under clause
 4 (i) within 180 days after the date of re-
 5 ceipt of the petition.”.

6 **SEC. 4. CONVENTIONAL GASOLINE.**

7 (a) IN GENERAL.—Section 211(k)(1) of the Clean
 8 Air Act (42 U.S.C. 7545(k)(1)) (as amended by section
 9 2) is amended by adding at the end the following:

10 “(D) CONVENTIONAL GASOLINE.—

11 “(i) IN GENERAL.—Not later than Oc-
 12 tober 1, 2007—

13 “(I) the Administrator shall de-
 14 termine whether the use of conven-
 15 tional gasoline during the period of
 16 calendar years 2005 and 2006 re-
 17 sulted in a greater volume of emis-
 18 sions of criteria air pollutants listed
 19 under section 108, and precursors of
 20 those pollutants, determined on the
 21 basis of a weighted average of those
 22 pollutants and precursors, than the
 23 volume of such emissions during the
 24 period of calendar years 1998 and
 25 1999; and

1 “(H) if the Administrator deter-
 2 mines that a significant increase in
 3 emissions occurred, the Administrator
 4 shall promulgate such regulations con-
 5 cerning the use of conventional gaso-
 6 line as are appropriate to eliminate
 7 that increase.

8 “(ii) APPLICABILITY TO CERTAIN
 9 STATES.—The Administrator shall make
 10 the determination under clause (i)(I) with-
 11 out regard to, and the regulations promul-
 12 gated under clause (i)(H) shall not apply
 13 to, any State that has received a waiver
 14 under section 209(b).”.

15 (b) ELIMINATION OF ETHANOL WAIVER.—Section
 16 211(h) of the Clean Air Act (42 U.S.C. 7545(h)) is
 17 amended—

18 (1) by striking paragraph (4); and

19 (2) by redesignating paragraph (5) as para-
 20 graph (4).

21 **SEC. 5. PUBLIC HEALTH AND ENVIRONMENTAL IMPACTS**
 22 **OF FUELS AND FUEL ADDITIVES.**

23 Section 211(b)(2) of the Clean Air Act (42 U.S.C.
 24 7545(b)(2)) is amended—

1 (1) by striking “may also” and inserting “shall,
2 on a regular basis,”; and

3 (2) by striking subparagraph (A) and inserting
4 the following:

5 “(A) to conduct tests to determine poten-
6 tial public health and environmental effects of
7 the fuel or additive (including carcinogenic,
8 teratogenic, or mutagenic effects); and”.

9 **SEC. 6. COMPREHENSIVE FUEL STUDY.**

10 Section 211 of the Clean Air Act (42 U.S.C. 7545)
11 is amended—

12 (1) by redesignating subsection (o) as sub-
13 section (p); and

14 (2) by inserting after subsection (n) the fol-
15 lowing:

16 “(o) COMPREHENSIVE FUEL STUDY.—

17 “(1) IN GENERAL.—Not later than 5 years
18 after the date of enactment of this paragraph and
19 every 5 years thereafter, the Administrator shall
20 submit to Congress a report—

21 “(A) describing reductions in emissions of
22 criteria air pollutants listed under section 108,
23 or precursors of those pollutants, that result
24 from implementation of this section;

1 “(B) describing reductions in emissions of
2 toxic air pollutants that result from implemen-
3 tation of this section;

4 “(C) in consultation with the Secretary of
5 Energy, describing reductions in greenhouse gas
6 emissions that result from implementation of
7 this section; and

8 “(D)(i) describing regulatory options to
9 achieve reductions in the risk to public health
10 and the environment posed by fuels and fuel
11 additives—

12 “(I) taking into account the produc-
13 tion, handling, and consumption of the
14 fuels and fuel additives; and

15 “(II) focusing on options that reduce
16 the use of compounds or associated emis-
17 sion products that pose the greatest risk;
18 and

19 “(ii) making recommendations concerning
20 any statutory changes necessary to implement
21 the regulatory options described under clause
22 (i).

23 “(2) LIFE CYCLE EMISSIONS ANALYSIS.—In de-
24 termining criteria air pollutant and greenhouse gas
25 emission reductions under paragraph (1), the Ad-

1 ministrator shall take into account the emissions re-
 2 sulting from the various fuels and fuel additives
 3 used in the implementation of this section over the
 4 entire life cycle of the fuels and fuel additives.”.

5 **SEC. 7. ADDITIONAL OPT-IN AREAS UNDER REFORMU-**
 6 **LATED GASOLINE PROGRAM.**

7 Section 211(k)(6) of the Clean Air Act (42 U.S.C.
 8 7545(k)(6)) is amended—

9 (1) by striking “(6) OPT-IN AREAS.—(A)
 10 Upon” and inserting the following:

11 “(6) OPT-IN AREAS.—

12 “(A) CLASSIFIED AREAS.—

13 “(i) IN GENERAL.—Upon”;

14 (2) in subparagraph (B), by striking “(B) If”
 15 and inserting the following:

16 “(ii) EFFECT OF INSUFFICIENT DO-
 17 MESTIC CAPACITY TO PRODUCE REFORMU-
 18 LATED GASOLINE.—If”;

19 (3) in subparagraph (A)(ii) (as so redesign-
 20 ated)—

21 (A) in the first sentence, by striking “sub-
 22 paragraph (A)” and inserting “clause (i)”; and

23 (B) in the second sentence, by striking
 24 “this paragraph” and inserting “this subpara-
 25 graph”; and

(4) by adding at the end the following:

“(B) NONCLASSIFIED AREAS.—

“(i) IN GENERAL.—In accordance with section 110, a State may submit to the Administrator, and the Administrator may approve, a State implementation plan revision that provides for application of the prohibition specified in paragraph (5) in any portion of the State that is not a covered area or an area referred to in subparagraph (A)(i).

“(ii) PERIOD OF EFFECTIVENESS.—

Under clause (i), the State implementation plan shall establish a period of effectiveness for applying the prohibition specified in paragraph (5) to a portion of a State that—

“(I) commences not later than 1

year after the date of approval by the

Administrator of the State implemen-

tation plan; and

“(II) ends not earlier than 4

years after the date of commencement

under subclause (I).”.

1 **SEC. 8. LEAKING UNDERGROUND STORAGE TANKS.**

2 (a) USE OF LUST FUNDS FOR REMEDIATION OF
3 MTBE CONTAMINATION.—Section 9003(h) of the Solid
4 Waste Disposal Act (42 U.S.C. 6991b(h)) is amended—

5 (1) in paragraph (7)(A), by striking “para-
6 graphs (1) and (2) of this subsection,” and inserting
7 “paragraphs (1), (2), and (12),”; and

8 (2) by adding at the end the following:

9 “(12) REMEDIATION OF MTBE CONTAMINA-
10 TION.—

11 “(A) IN GENERAL.—The Administrator
12 and the States may use funds made available
13 under subparagraph (B) to carry out corrective
14 actions with respect to a release of methyl ter-
15 tiary butyl ether that presents a risk to human
16 health, welfare, or the environment.

17 “(B) APPLICABLE AUTHORITY.—Subpara-
18 graph (A) shall be carried out—

19 “(i) in accordance with paragraph (2);
20 and

21 “(ii) in the case of a State, in a man-
22 ner consistent with a cooperative agree-
23 ment entered into by the Administrator
24 and the State under paragraph (7).

25 “(C) AUTHORIZATION OF APPROPRIA-
26 TIONS.—There is authorized to be appropriated

1 from the Leaking Underground Storage Tank
 2 Trust Fund to carry out subparagraph (A)
 3 \$200,000,000 for fiscal year 2001, to remain
 4 available until expended.”.

5 (b) RELEASE PREVENTION.—Subtitle I of the Solid
 6 Waste Disposal Act (42 U.S.C. 6991 et seq.) is
 7 amended—

8 (1) by redesignating section 9010 as section
 9 9011; and

10 (2) by inserting after section 9009 the fol-
 11 lowing:

12 **“SEC. 9010. RELEASE PREVENTION.**

13 **“(a) IMPLEMENTATION OF PREVENTATIVE MEAS-**
 14 **URES.—**The Administrator (or a State pursuant to section
 15 9003(h)(7)) may use funds appropriated from the Leaking
 16 Underground Storage Tank Trust Fund for—

17 “(1) necessary expenses directly related to the
 18 implementation of section 9003(h);

19 “(2) enforcement of—

20 “(A) this subtitle;

21 “(B) a State program approved under sec-
 22 tion 9004; or

23 “(C) State requirements regulating under-
 24 ground storage tanks that are similar or iden-
 25 tical to this subtitle; and

1 ~~“(3) inspection of underground storage tanks.~~

2 ~~“(b) AUTHORIZATION OF APPROPRIATIONS.—There~~
 3 ~~are authorized to be appropriated from the Leaking Un-~~
 4 ~~derground Storage Tank Trust Fund to carry out sub-~~
 5 ~~section (a)—~~

6 ~~“(1) \$50,000,000 for fiscal year 2001; and~~

7 ~~“(2) \$30,000,000 for each of fiscal years 2002~~
 8 ~~through 2005.”.~~

9 ~~(c) TECHNICAL AMENDMENTS.—~~

10 ~~(1) Section 1001 of the Solid Waste Disposal~~
 11 ~~Act (42 U.S.C. prec. 6901) is amended by striking~~
 12 ~~the item relating to section 9010 and inserting the~~
 13 ~~following:~~

~~“Sec. 9010. Release prevention.~~

~~“Sec. 9011. Authorization of appropriations.”.~~

14 ~~(2) Section 9001(3)(A) of the Solid Waste Dis-~~
 15 ~~posal Act (42 U.S.C. 6991(3)(A)) is amended by~~
 16 ~~striking “sustances” and inserting “substances”.~~

17 ~~(3) Section 9003(f)(1) of the Solid Waste Dis-~~
 18 ~~posal Act (42 U.S.C. 6991b(f)(1)) is amended by~~
 19 ~~striking “subsection (e) and (d) of this section” and~~
 20 ~~inserting “subsections (e) and (d)”.~~

21 ~~(4) Section 9004(a) of the Solid Waste Disposal~~
 22 ~~Act (42 U.S.C. 6991e(a)) is amended in the first~~
 23 ~~sentence by striking “referred to” and all that fol-~~

1 lows and inserting “referred to in subparagraph (A)
2 or (B), or both, of section 9001(2).”.

3 ~~(5) Section 9005 of the Solid Waste Disposal~~
4 ~~Act (42 U.S.C. 6991d) is amended—~~

5 (A) in subsection (a), by striking “study
6 taking” and inserting “study, taking”;

7 (B) in subsection (b)(1), by striking
8 “relevent” and inserting “relevant”; and

9 (C) in subsection (b)(4), by striking
10 “Environmental” and inserting “Environ-
11 mental”.

12 **SECTION 1. SHORT TITLE.**

13 *This Act may be cited as the “Federal Reformulated*
14 *Fuels Act of 2000”.*

15 **SEC. 2. WAIVER OF OXYGEN CONTENT REQUIREMENT FOR**
16 **REFORMULATED GASOLINE.**

17 *Section 211(k)(1) of the Clean Air Act (42 U.S.C.*
18 *7545(k)(1)) is amended—*

19 (1) *by striking “Within 1 year after the enact-*
20 *ment of the Clean Air Act Amendments of 1990,” and*
21 *inserting the following:*

22 *“(A) IN GENERAL.—Not later than Novem-*
23 *ber 15, 1991,”; and*

24 (2) *by adding at the end the following:*

1 “(B) *WAIVER OF OXYGEN CONTENT RE-*
 2 *QUIREMENT.*—

3 “(i) *AUTHORITY OF THE GOVERNOR.*—

4 “(I) *IN GENERAL.*—*Notwith-*
 5 *standing any other provision of this*
 6 *subsection, a Governor of a State, upon*
 7 *notification by the Governor to the Ad-*
 8 *ministrator during the 90-day period*
 9 *beginning on the date of enactment of*
 10 *this subparagraph, or during the 90-*
 11 *day period beginning on the date on*
 12 *which an area in the State becomes a*
 13 *covered area by operation of the second*
 14 *sentence of paragraph (11)(D), may*
 15 *waive the application of paragraphs*
 16 *(2)(B) and (3)(A)(v) to gasoline sold or*
 17 *dispensed in the State.*

18 “(II) *OPT-IN AREAS.*—*A Governor*
 19 *of a State that submits an application*
 20 *under paragraph (6) may, as part of*
 21 *that application, waive the application*
 22 *of paragraphs (2)(B) and (3)(A)(v) to*
 23 *gasoline sold or dispensed in the State.*

24 “(ii) *TREATMENT AS REFORMULATED*
 25 *GASOLINE.*—*In the case of a State for which*

1 *the Governor invokes the waiver described*
 2 *in clause (i), gasoline that complies with all*
 3 *provisions of this subsection other than*
 4 *paragraphs (2)(B) and (3)(A)(v) shall be*
 5 *considered to be reformulated gasoline for*
 6 *the purposes of this subsection.*

7 “(iii) *EFFECTIVE DATE OF WAIVER.—*
 8 *A waiver under clause (i) shall take effect*
 9 *on the earlier of—*

10 “(I) *the date on which the per-*
 11 *formance standard under subpara-*
 12 *graph (C) takes effect; or*

13 “(II) *the date that is 270 days*
 14 *after the date of enactment of this sub-*
 15 *paragraph.*

16 “(C) *MAINTENANCE OF TOXIC AIR POLLUT-*
 17 *ANT EMISSION AND AROMATIC HYDROCARBON*
 18 *CONTENT REDUCTIONS.—*

19 “(i) *IN GENERAL.—As soon as prac-*
 20 *ticable after the date of enactment of this*
 21 *subparagraph, the Administrator shall—*

22 “(I) *promulgate regulations con-*
 23 *sistent with subparagraph (A) and*
 24 *paragraph (3)(B)(ii) to ensure that re-*
 25 *ductions of toxic air pollutant emis-*

sions and aromatic hydrocarbon content achieved under the reformulated gasoline program under this section before the date of enactment of this subparagraph are maintained in States for which the Governor waives the oxygenate requirement under subparagraph (B)(i); or

“(II) determine that the requirement described in clause (iv)—

“(aa) is consistent with the bases for a performance standard described in clause (ii); and

“(bb) shall be deemed to be the performance standard under clause (ii) and shall be applied in accordance with clause (iii).

“(ii) *PERFORMANCE STANDARD.*—The Administrator, in regulations promulgated under clause (i)(I), shall establish an annual average performance standard based on—

“(I) compliance survey data;

“(II) the annual aggregate reductions in emissions of toxic air pollut-

1 *ants achieved under the reformulated*
2 *gasoline program during calendar*
3 *years 1998 and 1999, determined on*
4 *the basis of the volume of reformulated*
5 *gasoline containing methyl tertiary*
6 *butyl ether that is sold throughout the*
7 *United States;*

8 *“(III) the annual average aro-*
9 *matic hydrocarbon content of gasoline*
10 *sold under the reformulated gasoline*
11 *program during the 2 of the calendar*
12 *years 1998, 1999, and 2000 for which*
13 *that content is the lowest, determined*
14 *on the basis of the volume of reformu-*
15 *lated gasoline containing methyl ter-*
16 *tiary butyl ether that is sold through-*
17 *out the United States;*

18 *“(IV) the annual average aro-*
19 *matic hydrocarbon content of the 10*
20 *percent of the gasoline sold under the*
21 *reformulated gasoline program during*
22 *the 2 calendar years described in sub-*
23 *clause (III) for which that content is*
24 *the greatest, determined on the basis of*
25 *the volume of reformulated gasoline*

1 *containing methyl tertiary butyl ether*
2 *that is sold throughout the United*
3 *States; and*

4 “(V) *such other information as the*
5 *Administrator determines to be appro-*
6 *priate.*

7 “(iii) *APPLICABILITY.—*

8 “(I) *IN GENERAL.—The perform-*
9 *ance standards under this subpara-*
10 *graph shall be applied on an annual*
11 *average importer or refinery-by-refin-*
12 *ery basis to all reformulated gasoline*
13 *that is sold or introduced into com-*
14 *merce in a State for which the Gov-*
15 *ernor waives the oxygenate requirement*
16 *under subparagraph (B)(i).*

17 “(II) *MORE STRINGENT REQUIRE-*
18 *MENTS.—The performance standards*
19 *under this subparagraph shall not*
20 *apply to the extent that any require-*
21 *ment under section 202(l) is more*
22 *stringent than the performance stand-*
23 *ard.*

24 “(III) *STATE STANDARDS.—The*
25 *performance standards under this sub-*

1 paragraph shall not apply in any
 2 State that has received a waiver under
 3 section 209(b).

4 “(IV) CREDIT PROGRAM.—The
 5 Administrator shall provide for the
 6 granting of credits for exceeding the
 7 performance standards under this sub-
 8 paragraph in the same manner as pro-
 9 vided in paragraph (7).

10 “(iv) STATUTORY PERFORMANCE
 11 STANDARD.—

12 “(I) IN GENERAL.—Subject to
 13 subclause (IV), if the regulations under
 14 clause (i)(I) have not been promulgated
 15 by the date that is 270 days after the
 16 date of enactment of this subpara-
 17 graph, the requirement described in
 18 subclause (II) shall be deemed to be the
 19 performance standard under clause (ii)
 20 and shall be applied in accordance
 21 with clause (iii).

22 “(II) TOXIC AIR POLLUTANT
 23 EMISSIONS.—The aggregate emissions
 24 of toxic air pollutants from baseline ve-
 25 hicles when using reformulated gaso-

1 *line shall be 27.5 percent below the ag-*
2 *gregate emissions of toxic air pollut-*
3 *ants from baseline vehicles when using*
4 *baseline gasoline.*

5 “(III) AROMATIC HYDROCARBON
6 CONTENT.—

7 “(aa) ANNUAL AVERAGE.—
8 *The annual average aromatic hy-*
9 *drocarbon content of reformulated*
10 *gasoline shall not exceed 26 per-*
11 *cent by volume.*

12 “(bb) MAXIMUM PER GAL-
13 *LON.—No gallon of reformulated*
14 *gasoline shall have an aromatic*
15 *hydrocarbon content in excess of*
16 *45 percent.*

17 “(cc) ALTERNATIVE RE-
18 *QUIREMENT.—The requirements*
19 *under items (aa) and (bb) shall be*
20 *deemed to be met if no gallon of*
21 *reformulated gasoline has an aro-*
22 *matic hydrocarbon content in ex-*
23 *cess of 30 percent.*

24 “(IV) SUBSEQUENT REGULA-
25 *TIONS.—The Administrator may mod-*

1 *ify the performance standard estab-*
 2 *lished under subclause (I) through pro-*
 3 *mulgation of regulations under clause*
 4 *(i)(I).”.*

5 **SEC. 3. AUTHORITY FOR WATER QUALITY PROTECTION**
 6 **FROM FUELS.**

7 (a) *IN GENERAL.*—Section 211(c) of the Clean Air Act
 8 (42 U.S.C. 7545(c)) is amended—

9 (1) *in paragraph (1)(A)—*

10 (A) *by inserting “fuel or fuel additive or”*
 11 *after “Administrator any”; and*

12 (B) *by striking “air pollution which” and*
 13 *inserting “air pollution, or water pollution,*
 14 *that”;*

15 (2) *in paragraph (4)(B), by inserting “or water*
 16 *quality protection,” after “emission control,”; and*

17 (3) *by adding at the end the following:*

18 “(5) *BAN ON THE USE OF MTBE.*—

19 “(A) *IN GENERAL.*—Not later than 4 years
 20 *after the date of enactment of this paragraph, the*
 21 *Administrator shall ban use of methyl tertiary*
 22 *butyl ether in gasoline.*

23 “(B) *REGULATIONS CONCERNING PHASE-*
 24 *OUT.*—*The Administrator may establish by regu-*
 25 *lation a schedule to phase out the use of methyl*

1 *tertiary butyl ether in gasoline during the period*
 2 *preceding the effective date of the ban under sub-*
 3 *paragraph (A).”.*

4 ***(b) NO EFFECT ON LAW REGARDING STATE AUTHOR-***
 5 ***ITY.—The amendments made by subsection (a) have no ef-***
 6 ***fect on the law in effect on the day before the date of enact-***
 7 ***ment of this Act regarding the authority of States to limit***
 8 ***the use of methyl tertiary butyl ether in gasoline.***

9 ***SEC. 4. EXCLUSION FROM REID VAPOR PRESSURE RE-***
 10 ***QUIREMENT.***

11 *Section 211(k) of the Clean Air Act (42 U.S.C.*
 12 *7545(k)) is amended—*

13 *(1) by redesignating paragraph (10) as para-*
 14 *graph (11); and*

15 *(2) by inserting after paragraph (9) the fol-*
 16 *lowing:*

17 ***“(10) EXCLUSION FROM REID VAPOR PRESSURE***
 18 ***REQUIREMENT.—Notwithstanding subsection***
 19 ***(c)(4)(C), the Administrator may approve a revision***
 20 ***of a State implementation plan that excludes an area***
 21 ***from a waiver provided under subsection (h)(4) if—***

22 ***“(A) the State demonstrates that the in-***
 23 ***creases in volatile organic compound emissions***
 24 ***resulting from the waiver significantly interfere***

1 *with attainment or maintenance of the national*
 2 *ambient air quality standard for ozone; and*

3 *“(B) the Administrator determines that the*
 4 *exclusion is reasonable and practicable.”.*

5 **SEC. 5. PUBLIC HEALTH AND ENVIRONMENTAL IMPACTS OF**
 6 **FUELS AND FUEL ADDITIVES.**

7 *Section 211(b)(2) of the Clean Air Act (42 U.S.C.*
 8 *7545(b)(2)) is amended—*

9 *(1) by striking “may also” and inserting “shall,*
 10 *on a regular basis,”; and*

11 *(2) by striking subparagraph (A) and inserting*
 12 *the following:*

13 *“(A) to conduct tests to determine potential*
 14 *public health and environmental effects of the*
 15 *fuel or additive (including carcinogenic,*
 16 *teratogenic, or mutagenic effects); and”.*

17 **SEC. 6. CLEAN ALTERNATIVE FUEL PROGRAM.**

18 *(a) IN GENERAL.—Section 211 of the Clean Air Act*
 19 *(42 U.S.C. 7545) is amended—*

20 *(1) by redesignating subsection (o) as subsection*
 21 *(q); and*

22 *(2) by inserting after subsection (n) the fol-*
 23 *lowing:*

24 *“(o) CLEAN ALTERNATIVE FUEL PROGRAM.—*

25 *“(1) DEFINITIONS.—In this subsection:*

1 “(A) *BIN 1 VEHICLE*.—The term ‘bin 1 ve-

2

hicle’ means—

3 “(i) *a light-duty motor vehicle that*

4 *does not exceed the standards for bin no. 1*

5 *specified in table S04–1 of section 86.1811–*

6 *04 of title 40, Code of Federal Regulations*

7 *(published at 65 Fed. Reg. 6855 on Feb-*

8 *ruary 10, 2000); and*

9 “(ii) *a heavy-duty motor vehicle that*

10 *does not exceed standards equivalent to the*

11 *standards described in clause (i), as deter-*

12 *mined by the Administrator by regulation.*

13 “(B) *BIN 2 VEHICLE*.—The term ‘bin 2 ve-

14

hicle’ means—

15 “(i) *a light-duty motor vehicle that*

16 *does not exceed the standards for bin no. 2*

17 *specified in table S04–1 of section 86.1811–*

18 *04 of title 40, Code of Federal Regulations*

19 *(published at 65 Fed. Reg. 6855 on Feb-*

20 *ruary 10, 2000); and*

21 “(ii) *a heavy-duty motor vehicle that*

22 *emits not more than 50 percent of the allow-*

23 *able emissions of air pollutants under the*

24 *most stringent standards applicable to*

1 *heavy-duty motor vehicles, as determined by*
 2 *the Administrator by regulation.*

3 “(C) *BIOMASS ETHANOL.*—*The term ‘bio-*
 4 *mass ethanol’ means ethanol derived from any*
 5 *lignocellulosic or hemicellulosic matter that is*
 6 *available on a renewable or recurring basis,*
 7 *including—*

8 “(i) *dedicated energy crops and trees;*

9 “(ii) *wood and wood residues;*

10 “(iii) *plants;*

11 “(iv) *grasses;*

12 “(v) *agricultural commodities and res-*
 13 *idues;*

14 “(vi) *fibers;*

15 “(vii) *animal wastes and other waste*
 16 *materials; and*

17 “(viii) *municipal solid waste.*

18 “(D) *CLEAN ALTERNATIVE FUEL.*—*The*
 19 *term ‘clean alternative fuel’ means—*

20 “(i) *renewable fuel;*

21 “(ii) *credit for motor vehicle fuel used*
 22 *to operate a bin 1 vehicle, as generated*
 23 *under paragraph (5)(A)(ii); and*

1 “(iii) credit for motor vehicle fuel used
2 to operate a bin 2 vehicle, as generated
3 under paragraph (5)(A)(ii).

4 “(E) RENEWABLE FUEL.—

5 “(i) IN GENERAL.—The term ‘renew-
6 able fuel’ means motor vehicle fuel that—

7 “(I)(aa) is produced from grain,
8 starch, oilseeds, or other biomass; or

9 “(bb) is natural gas produced
10 from a biogas source, including a land-
11 fill, sewage waste treatment plant,
12 feedlot, or other place where decaying
13 organic material is found; and

14 “(II) is used to replace or reduce
15 the quantity of fossil fuel present in a
16 fuel mixture used to operate a motor
17 vehicle.

18 “(ii) INCLUSION.—The term ‘renewable
19 fuel’ includes biomass ethanol.

20 “(2) CLEAN ALTERNATIVE FUEL PROGRAM.—

21 “(A) CLEAN ALTERNATIVE FUEL REQUIRE-
22 MENTS.—The motor vehicle fuel sold or intro-
23 duced into commerce in the United States in cal-
24 endar year 2008 or any calendar year thereafter
25 by a refiner, blender, or importer shall, on a 6-

month average basis, be comprised of a quantity of clean alternative fuel, measured in gasoline-equivalent gallons (as determined by the Secretary of Energy), that is not less than the applicable percentage by volume for the 6-month period.

“(B) *APPLICABLE PERCENTAGE.*—For the purposes of subparagraph (A), the applicable percentage for a 6-month period of a calendar year shall be determined in accordance with the following table:

“Calendar year:	<i>Applicable percentage of clean alternative fuel:</i>
2008	1.2
2009	1.3
2010	1.4
2011 and thereafter	1.5.

“(3) *TRANSITION PROGRAM.*—

“(A) *RENEWABLE FUEL REQUIREMENTS.*—

“(i) *IN GENERAL.*—Subject to subparagraph (B), all motor vehicle fuel sold or introduced into commerce in the United States in any of calendar years 2002 through 2007 by a refiner, blender, or importer shall contain, on a 6-month average basis, a quantity of renewable fuel, measured in gasoline-equivalent gallons (as determined by the Secretary of Energy), that

1 *is not less than the applicable percentage by*
 2 *volume for the 6-month period.*

3 *“(ii) APPLICABLE PERCENTAGE.—For*
 4 *the purposes of clause (i), the applicable*
 5 *percentage for a 6-month period of a cal-*
 6 *endar year shall be determined in accord-*
 7 *ance with the following table:*

“Calendar year:	Applicable percentage of renewable fuel:
2002	0.6
2003	0.7
2004	0.8
2005	0.9
2006	1.0
2007	1.1.

8 *“(B) CREDIT FOR MOTOR VEHICLE FUEL*
 9 *USED TO OPERATE BIN 1 VEHICLES OR BIN 2 VE-*
 10 *HICLES.—Credit for motor vehicle fuel used to*
 11 *operate bin 1 vehicles or bin 2 vehicles, as gen-*
 12 *erated under paragraph (5)(A)(ii), may be used*
 13 *to meet not more than 10 percent of the renew-*
 14 *able fuel requirement under subparagraph (A).*

15 *“(4) BIOMASS ETHANOL.—For the purposes of*
 16 *paragraphs (2) and (3), 1 gallon of biomass ethanol*
 17 *shall be considered to be the equivalent of 1.5 gallons*
 18 *of renewable fuel.*

19 *“(5) CREDIT PROGRAM.—*

20 *“(A) IN GENERAL.—The regulations pro-*
 21 *mulgated to carry out this subsection shall pro-*

1 *vide for the generation of an appropriate*
 2 *amount of credits by—*

3 “(i) a person that refines, blends, or
 4 imports motor vehicle fuel that contains, on
 5 a 6-month average basis, a quantity of
 6 clean alternative fuel or renewable fuel that
 7 is greater than the quantity required for
 8 that 6-month period under paragraph (2)
 9 or (3), respectively; and

10 “(ii) a person that manufactures bin 1
 11 vehicles or bin 2 vehicles.

12 “(B) CALCULATION OF CREDITS.—In deter-
 13 mining the appropriate amount of credits gen-
 14 erated by a vehicle manufacturer under subpara-
 15 graph (A)(ii), the Administrator, in consultation
 16 with the Secretary of Energy, shall give priority
 17 to the extent to which bin 1 vehicles or bin 2 ve-
 18 hicles, as compared to vehicles that are not bin
 19 1 vehicles or bin 2 vehicles but are similar in
 20 size, weight, and other appropriate factors—

21 “(i) use innovative or advanced tech-
 22 nology;

23 “(ii) result in less petroleum consump-
 24 tion; and

1 “(iii) are efficient in their use of petro-
2 leum or other form of energy.

3 “(C) *USE OF CREDITS.*—

4 “(i) *IN GENERAL.*—A person that gen-
5 erates credits under subparagraph (A) may
6 use the credits, or transfer all or a portion
7 of the credits to another person, for the pur-
8 pose of complying with paragraph (2) or
9 (3).

10 “(ii) *USE OF VEHICLE MANUFACTURER*
11 *CREDITS TO PROVIDE NON-FEDERAL CON-*
12 *TRIBUTIONS UNDER OTHER LAW.*—Credits
13 generated under subparagraph (A)(ii) and
14 transferred to a person, nonprofit entity, or
15 local government may be used to provide
16 any portion of—

17 “(I) the non-Federal share re-
18 quired for an alternative fuel project
19 under section 149(e)(4) of title 23,
20 United States Code; or

21 “(II) a voluntary supply commit-
22 ment under section 505 of the Energy
23 Policy Act of 1992 (42 U.S.C. 13255).

24 “(D) *EXPIRATION OF CREDITS.*—A credit
25 generated under this paragraph shall expire 1

1 *year after the date on which the credit was gen-*
 2 *erated.*

3 “(6) *WAIVERS.*—

4 “(A) *IN GENERAL.*—*The Administrator, in*
 5 *consultation with the Secretary of Agriculture*
 6 *and the Secretary of Energy, may waive the re-*
 7 *quirements of paragraph (2) or (3) in whole or*
 8 *in part on petition by a State or States by re-*
 9 *ducing the national quantity of clean alternative*
 10 *fuel required under this subsection—*

11 “(i) *based on a determination by the*
 12 *Administrator, after public notice and op-*
 13 *portunity for comment, that implementa-*
 14 *tion of the requirements would severely*
 15 *harm the economy or environment of a*
 16 *State, a region, or the United States; or*

17 “(ii) *based on a determination by the*
 18 *Administrator, after public notice and op-*
 19 *portunity for comment, that there is an in-*
 20 *adequate domestic supply or distribution*
 21 *capacity to meet the requirements.*

22 “(B) *PETITIONS FOR WAIVERS.*—*The Ad-*
 23 *ministrator, in consultation with the Secretary*
 24 *of Agriculture and the Secretary of Energy—*

1 “(i) shall approve or deny a State pe-
 2 tition for a waiver of the requirements of
 3 paragraph (2) or (3) within 180 days after
 4 the date on which the petition is received;
 5 but

6 “(ii) may extend that period for up to
 7 60 additional days to provide for public no-
 8 tice and opportunity for comment and for
 9 consideration of the comments submitted.

10 “(C) *TERMINATION OF WAIVERS.*—A waiver
 11 granted under subparagraph (A) shall terminate
 12 after 1 year, but may be renewed by the Admin-
 13 istrator after consultation with the Secretary of
 14 Agriculture and the Secretary of Energy.

15 “(D) *OXYGEN CONTENT WAIVERS.*—The
 16 grant or denial of a waiver under subsection
 17 (k)(2)(B) shall not affect the requirements of this
 18 subsection.

19 “(7) *SMALL REFINERS.*—The Administrator may
 20 provide an exemption from the requirements of para-
 21 graph (2) or (3), in whole or in part, for small refin-
 22 ers (as defined by the Administrator).

23 “(8) *REGULATIONS.*—Not later than 270 days
 24 after the date of enactment of this paragraph, the Ad-

1 *ministrator shall promulgate regulations to carry out*
 2 *this subsection.”.*

3 *(b) PENALTIES AND ENFORCEMENT.—Section 211(d)*
 4 *of the Clean Air Act (42 U.S.C. 7545(d)) is amended—*

5 *(1) in paragraph (1)—*

6 *(A) in the first sentence, by striking “or*
 7 *(n)” each place it appears and inserting “(n), or*
 8 *(o)”;* *and*

9 *(B) in the second sentence, by striking “or*
 10 *(m)” and inserting “(m), or (o)”;* *and*

11 *(2) in the first sentence of paragraph (2), by*
 12 *striking “and (n)” each place it appears and insert-*
 13 *ing “(n), and (o)”.*

14 **SEC. 7. ADDITIONAL OPT-IN AREAS UNDER REFORMULATED**
 15 **GASOLINE PROGRAM.**

16 *Section 211(k)(6) of the Clean Air Act (42 U.S.C.*
 17 *7545(k)(6)) is amended—*

18 *(1) by striking “(6) OPT-IN AREAS.—(A) Upon”*
 19 *and inserting the following:*

20 *“(6) OPT-IN AREAS.—*

21 *“(A) CLASSIFIED AREAS.—*

22 *“(i) IN GENERAL.—Upon”;*

23 *(2) in subparagraph (B), by striking “(B) If”*
 24 *and inserting the following:*

1 “(i) *EFFECT OF INSUFFICIENT DO-*
 2 *MESTIC CAPACITY TO PRODUCE REFORMU-*
 3 *LATED GASOLINE.—If*”;

4 (3) *in subparagraph (A)(ii) (as so redesign-*
 5 *ated)—*

6 (A) *in the first sentence, by striking “sub-*
 7 *paragraph (A)” and inserting “clause (i)”*; and

8 (B) *in the second sentence, by striking “this*
 9 *paragraph” and inserting “this subparagraph”*;
 10 *and*

11 (4) *by adding at the end the following:*

12 “(B) *NONCLASSIFIED AREAS.—*

13 “(i) *IN GENERAL.—In accordance with*
 14 *section 110, a State may submit to the Ad-*
 15 *ministrator, and the Administrator may*
 16 *approve, a State implementation plan revi-*
 17 *sion that provides for application of the*
 18 *prohibition specified in paragraph (5) in*
 19 *any portion of the State that is not a cov-*
 20 *ered area or an area referred to in subpara-*
 21 *graph (A)(i).*

22 “(ii) *PERIOD OF EFFECTIVENESS.—*
 23 *Under clause (i), the State implementation*
 24 *plan shall establish a period of effectiveness*
 25 *for applying the prohibition specified in*

1 paragraph (5) to a portion of a State
2 that—

3 “(I) commences not later than 1
4 year after the date of approval by the
5 Administrator of the State implemen-
6 tation plan; and

7 “(II) ends not earlier than 4
8 years after the date of commencement
9 under subclause (I).”.

10 **SEC. 8. LEAKING UNDERGROUND STORAGE TANKS.**

11 (a) *USE OF LUST FUNDS FOR REMEDIATION OF*
12 *MTBE CONTAMINATION.*—Section 9003(h) of the Solid
13 Waste Disposal Act (42 U.S.C. 6991b(h)) is amended—

14 (1) in paragraph (7)(A)—

15 (A) by striking “paragraphs (1) and (2) of
16 this subsection” and inserting “paragraphs (1),
17 (2), and (12)”; and

18 (B) by inserting “and section 9010(a)” be-
19 fore “if”; and

20 (2) by adding at the end the following:

21 “(12) *REMEDIATION OF MTBE CONTAMINA-*
22 *TION.*—

23 “(A) *IN GENERAL.*—The Administrator and
24 the States may use funds made available under
25 section 9011(1) to carry out corrective actions

1 *with respect to a release of methyl tertiary butyl*
 2 *ether that presents a threat to human health,*
 3 *welfare, or the environment.*

4 “(B) *APPLICABLE AUTHORITY.*—Subpara-
 5 *graph (A) shall be carried out—*

6 “(i) *in accordance with paragraph (2);*

7 *and*

8 “(ii) *in the case of a State, in accord-*
 9 *ance with a cooperative agreement entered*
 10 *into by the Administrator and the State*
 11 *under paragraph (7).”.*

12 (b) *RELEASE PREVENTION AND COMPLIANCE.*—Sub-
 13 *title I of the Solid Waste Disposal Act (42 U.S.C. 6991 et*
 14 *seq.) is amended by striking section 9010 and inserting the*
 15 *following:*

16 **“SEC. 9010. RELEASE PREVENTION AND COMPLIANCE.**

17 *“Funds made available under section 9011(2) from the*
 18 *Leaking Underground Storage Tank Trust Fund may be*
 19 *used for conducting inspections, or for issuing orders or*
 20 *bringing actions under this subtitle—*

21 “(1) *by a State (pursuant to section 9003(h)(7))*

22 *acting under—*

23 “(A) *a program approved under section*
 24 *9004; or*

1 “(B) State requirements regulating under-
 2 ground storage tanks that are similar or iden-
 3 tical to this subtitle; and

4 “(2) by the Administrator, acting under this
 5 subtitle or a State program approved under section
 6 9004.

7 **“SEC. 9011. AUTHORIZATION OF APPROPRIATIONS.**

8 *“In addition to amounts made available under section*
 9 *2007(f), there are authorized to be appropriated from the*
 10 *Leaking Underground Storage Tank Trust Fund—*

11 “(1) to carry out section 9003(h)(12),
 12 \$200,000,000 for fiscal year 2001, to remain available
 13 until expended; and

14 “(2) to carry out section 9010—

15 “(A) \$50,000,000 for fiscal year 2001; and

16 “(B) \$30,000,000 for each of fiscal years
 17 2002 through 2006.”.

18 (c) *TECHNICAL AMENDMENTS.—*

19 (1) *Section 1001 of the Solid Waste Disposal Act*
 20 *(42 U.S.C. prec. 6901) is amended by striking the*
 21 *item relating to section 9010 and inserting the fol-*
 22 *lowing:*

“Sec. 9010. Release prevention and compliance.

“Sec. 9011. Authorization of appropriations.”.

1 (2) *Section 9001(3)(A) of the Solid Waste Dis-*
 2 *posal Act (42 U.S.C. 6991(3)(A)) is amended by*
 3 *striking “sustances” and inserting “substances”.*

4 (3) *Section 9003(f)(1) of the Solid Waste Dis-*
 5 *posal Act (42 U.S.C. 6991b(f)(1)) is amended by*
 6 *striking “subsection (c) and (d) of this section” and*
 7 *inserting “subsections (c) and (d)”.*

8 (4) *Section 9004(a) of the Solid Waste Disposal*
 9 *Act (42 U.S.C. 6991c(a)) is amended in the second*
 10 *sentence by striking “referred to” and all that follows*
 11 *and inserting “referred to in subparagraph (A) or*
 12 *(B), or both, of section 9001(2).”.*

13 (5) *Section 9005 of the Solid Waste Disposal Act*
 14 *(42 U.S.C. 6991d) is amended—*

15 (A) *in subsection (a), by striking “study*
 16 *taking” and inserting “study, taking”;*

17 (B) *in subsection (b)(1), by striking*
 18 *“relevent” and inserting “relevant”; and*

19 (C) *in subsection (b)(4), by striking*
 20 *“Evironmental” and inserting “Environmental”.*

21 **SEC. 9. ANALYSES OF MOTOR VEHICLE FUEL CHANGES AND**

22 **ADDITIONAL PERFORMANCE REQUIREMENTS.**

23 *Section 211 of the Clean Air Act (42 U.S.C. 7545) is*
 24 *amended by inserting before subsection (q) (as redesignated*
 25 *by section 6(a)(1)) the following:*

1 “(p) *ANALYSES OF MOTOR VEHICLE FUEL CHANGES*
 2 *AND ADDITIONAL PERFORMANCE REQUIREMENTS.*—

3 “(1) *ANTI-BACKSLIDING ANALYSIS AND REGULA-*
 4 *TIONS.*—

5 “(A) *ANALYSIS.*—

6 “(i) *DRAFT ANALYSIS.*—*Not later than*
 7 *4 years after the date of enactment of this*
 8 *subsection, the Administrator shall publish*
 9 *for public comment a draft analysis of the*
 10 *changes in emissions of air pollutants and*
 11 *air quality due to the use of motor vehicle*
 12 *fuel and fuel additives resulting from imple-*
 13 *mentation of the amendments made by the*
 14 *Federal Reformulated Fuels Act of 2000.*

15 “(ii) *FINAL ANALYSIS.*—*After pro-*
 16 *viding a reasonable opportunity for com-*
 17 *ment but not later than 5 years after the*
 18 *date of enactment of this subsection, the Ad-*
 19 *ministrator shall publish the analysis in*
 20 *final form.*

21 “(B) *ADDITIONAL PERFORMANCE REQUIRE-*
 22 *MENTS.*—

23 “(i) *PROPOSED REGULATIONS.*—*Not*
 24 *later than 6 years after the date of enact-*
 25 *ment of this subsection, the Administrator*

1 *shall publish proposed regulations estab-*
2 *lishing performance requirements that are*
3 *adequate, at a minimum, to ensure that, as*
4 *compared with emissions due to the use of*
5 *motor vehicle fuel and fuel additives during*
6 *the period of 1998 through 2000, emissions*
7 *due to the use of motor vehicle fuel and fuel*
8 *additives will not—*

9 *“(I) be significantly greater on a*
10 *per-gallon average basis in any region;*
11 *or*

12 *“(II) cause air quality to be sig-*
13 *nificantly worse in any region.*

14 *“(ii) FINAL REGULATIONS.—After pro-*
15 *viding a reasonable opportunity for com-*
16 *ment but not later than 7 years after the*
17 *date of enactment of this subsection, the Ad-*
18 *ministrator shall promulgate the regulations*
19 *in final form.*

20 *“(iii) DEADLINE FOR COMPLIANCE.—*
21 *The regulations shall require compliance as*
22 *expeditiously as practicable, taking into ac-*
23 *count costs and lead time necessary to en-*
24 *sure the availability of a reliable and ade-*
25 *quate motor vehicle fuel supply.*

1 “(2) *MOBILE SOURCE TITLE ANALYSIS AND REG-*
2 *ULATIONS.*—

3 “(A) *ANALYSIS.*—

4 “(i) *DRAFT ANALYSIS.*—*Not later than*
5 *7 years after the date of enactment of this*
6 *subsection, the Administrator shall publish*
7 *for public comment a draft analysis of the*
8 *effects of motor vehicle fuel and fuel addi-*
9 *tives on public health and the environment,*
10 *including the changes in fuel and fuel addi-*
11 *tives resulting from implementation of the*
12 *Federal Reformulated Fuels Act of 2000.*

13 “(ii) *FINAL ANALYSIS.*—*After pro-*
14 *viding a reasonable opportunity for com-*
15 *ment but not later than 8 years after the*
16 *date of enactment of this subsection, the Ad-*
17 *ministrator shall publish the analysis in*
18 *final form.*

19 “(B) *ADDITIONAL PERFORMANCE REQUIRE-*
20 *MENTS.*—

21 “(i) *PROPOSED REGULATIONS.*—*Not*
22 *later than 9 years after the date of enact-*
23 *ment of this subsection, the Administrator*
24 *shall publish proposed regulations estab-*
25 *lishing performance requirements for motor*

1 *vehicle fuel and fuel additives, the use of*
 2 *motor vehicle fuel and fuel additives, and*
 3 *motor vehicles that are necessary—*

4 “(I) *to ensure adequate protection*
 5 *of public health and the environment;*
 6 *and*

7 “(II) *to achieve specific reductions*
 8 *in the use of compounds or associated*
 9 *emission products that pose the great-*
 10 *est risk to human health.*

11 “(ii) *FINAL REGULATIONS.—After pro-*
 12 *viding a reasonable opportunity for com-*
 13 *ment but not later than 10 years after the*
 14 *date of enactment of this subsection, the Ad-*
 15 *ministrator shall promulgate the regulations*
 16 *in final form.*

17 “(iii) *DEADLINE FOR COMPLIANCE.—*
 18 *The regulations shall require compliance as*
 19 *expeditiously as practicable, taking into ac-*
 20 *count costs and lead time necessary to en-*
 21 *sure the availability of a reliable and ade-*
 22 *quate motor vehicle fuel supply.*

23 “(3) *LIFE CYCLE ANALYSIS.—In conducting the*
 24 *analyses under paragraphs (1) and (2), the Adminis-*
 25 *trator shall take into account the effects of motor vehi-*

1 *cle fuel and fuel additives on public health and the*
2 *environment over the entire life cycle of the produc-*
3 *tion, distribution, and use of motor vehicle fuel and*
4 *fuel additives evaluated in the analyses.*

5 *“(4) EMISSIONS MODEL.—For the purposes of*
6 *this subsection, as soon as the necessary data are*
7 *available, the Administrator shall develop and final-*
8 *ize an emissions model that reasonably reflects the ef-*
9 *fects of fuel characteristics or components on emis-*
10 *sions from vehicles in the motor vehicle fleet during*
11 *calendar year 2005.”.*

Calendar No. 845

106TH CONGRESS
2D SESSION

S. 2962

[Report No. 106-426]

A BILL

To amend the Clean Air Act to address problems concerning methyl tertiary butyl ether, and for other purposes.

SEPTEMBER 28 (legislative day, SEPTEMBER 22), 2000

Reported with an amendment